

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1777.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: June 20, 2001
DATE OF REPORT: July 9, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 3, 2001

COMPLAINT ISSUES:

Whether the Northern Community Schools of Tipton County and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide auditory integration therapy.

511 IAC 7-25-7(b) with regard to the school's alleged failure to conduct an auditory integration evaluation and convene a case conference committee (CCC) meeting within 60 instructional days from the date the parent provided written consent.

FINDINGS OF FACT:

1. The student is five years old, will attend kindergarten this fall, and has been determined eligible for special education under the categories of other health impairment and communication disorder.
2. The director states the school has never received a request from the parent for an auditory integration evaluation. The director reports, that to her knowledge, no such evaluation exists. The director acknowledges that testing is available to determine if a student has a central auditory processing disorder. The parent states she provided written consent for an auditory integration evaluation in February 2001. Records indicate that the consent form signed by the parent on February 27, 2001, was for a multidisciplinary educational evaluation. The multidisciplinary educational evaluation and a CCC meeting to discuss the results of the evaluation were conducted within 60 instructional days. On June 15, 2001, the parent provided written consent to the school to conduct a central auditory processing evaluation. The parent acknowledges that the school has taken steps to ensure that this evaluation will be conducted timely.
3. The parent asserts that because her child's physician sent an unsolicited prescription to the school in February 2001 with the words "auditory integration therapy" written on it, the school was obligated to provide this service to the student. The director reports that a CCC has never determined that auditory integration therapy should be provided as a service to the student. The school provided all of the student's IEPs for the last two school years. None of the IEPs indicate that the student will receive auditory integration therapy. Of the six CCC Reports/IEPs provided by the school, only one of the documents references the issue of the student possibly having auditory processing problems. Page 3 of the May 24, 2001, CCC Report lists the following information: "[Parent's name] is wondering about central auditory processing for [student's name]. The current

evaluation indicates continued progress. This will be discussed in Oct at the ACR." The director states the CCC will revisit this issue once the results of the central auditory processing evaluation are obtained.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the parent did not provide written consent for a central auditory processing evaluation until June 15, 2001. The 60 instructional day timeline has not elapsed. Therefore, no violation of 511 IAC 7-25-7(b) is found.
2. Finding of Fact #3 indicates that it was never determined by a CCC or written in an IEP that the student would receive auditory integration therapy. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: July 9, 2001